IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Bail Appl..No. 5371 of 2007

(C.R. NO. 303/2007 OF PARAVUR POLICE STATION OF KOLLAM DISTRICT)
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PETITIONER/2ND ACCUSED:

AJESH, S/O. ASOKAN,
CHARIPURATHU VEEDU, CHARIPPURAM,
POOTHAKULAM CHERRI, POOTHAKULAM VILLAGE.

BY ADV. SRI.V.VENUGOPALAN NAIR.

RESPONDENTS/COMPLAINANTS:
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1. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE CIRCLE INSPECTOR OF POLICE,
PARAVUR POLICE STATION, KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 07/09/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5371 of 2007

Dated this the 7th day of September 2007

O R D E R

Application for regular bail. The petitioner is the second accused. Altogether there are two accused persons. The alleged incident took place on 6/7/2007. The petitioner faces allegations under Section 302 I.P.C. The petitioner is a person aged just above 18 years. He is not entitled to the benefit of Juvenile Justice Act, hence. The petitioner remains in custody from 9/7/2007. An earlier application for regular bail filed by the petitioner was rejected by this court as per order dated 13/8/2007 in B.A.No.4824/2007 with the observation that the petitioner can move this court for bail again at later stages not prior to 24/8/2007. This order must be read in continuation of the said order dated 13/8/2007.

2. The application for regular bail is opposed by the learned Public Prosecutor. The learned Public Prosecutor submits that the deceased and the petitioner resides in the same locality. The investigation is not complete. If this court were inclined to grant bail, appropriate conditions may be imposed, submits the learned Public Prosecutor.

3. Having considered all the relevant inputs, I am persuaded to agree with the learned counsel for the petitioner that the young offender, the petitioner aged about 18 years can now be enlarged on bail subject to appropriate terms and conditions.

4. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) He shall execute a bond for Rs.75,000/- (Rupees seventy five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of three months from the date of his release and thereafter as and when directed by the investigating officer in writing to do so.

Iii) The petitioner shall not enter the Sessions division of Kollam District for a period of three months except for the purpose of complying with condition No.ii) above.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007